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**OK/HAV**

Attorney for Plaintiff

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

SCOTT WOOD, CHARLES W. JUDSON,  
WILLIAM BATES, SYBILLE GROTE,  
MARTIN REEVES, ERNEST STEWART,  
STEVE FORSYTHE, ROBERT BADILLA,  
BRIAN THOMPSON, KARVIN TILANDER,  
CHARLES ("CHUCK") JENNINGS,  
LORENZO RAMIEREZ and MINDY  
GABRIEL on behalf of themselves and all  
others similarly situated,

Plaintiff,

v.

GRANITE CONSTRUCTION COMPANY  
and FEDERAL INSURANCE COMPANY

Defendants.

Case No.: S-03-2592 DFL PAN

**STIPULATION AND [PROPOSED]  
ORDER TO CONTINUE THE MATTER  
FOLLOWING DECISION ON  
PLAINTIFFS' MOTION FOR CLASS  
CERTIFICATION**

RELATED CASE: CIV S-03-2514 LKK JFM

IT IS HEREBY STIPULATED AND AGREED by and between the parties herein, as follows:

1. In August 2004, this Court heard oral argument on Plaintiffs' motion for class certification. The parties completed supplemental briefing in September 2004. On March 14, 2005, the Court granted Plaintiffs' motion. On June 30, 2005, Plaintiffs' counsel submitted a STIPULATION AND [PROPOSED] ORDER TO CONTINUE THE MATTER FOLLOWING DECISION ON PLAINTIFFS' MOTION FOR CLASS CERTIFICATION (Case No. S-03-2592 DFL PAN)

1 proposed class notification. That request remains pending. As such, the parties have been  
2 unable to notify the unnamed class members either of the existence of this case or their option  
3 to opt out.

4 2. Without ascertaining the names of all class members, Defendant has been  
5 unable to determine the full scope of necessary discovery. To date, Defendant has permitted  
6 Plaintiffs to inspect and copy voluminous relevant documents. Defendant issued Plaintiffs  
7 comprehensive document production requests, responses to which are due September 28, 2005.  
8 Despite the discovery conducted to date, the parties still have a substantial amount of discovery  
9 to conduct, including additional document requests and the depositions of percipient witnesses  
10 for both parties.

11 3. Throughout the discovery process, the parties have continued to explore  
12 resolution. Defendant has provided Plaintiffs' counsel with detailed spreadsheets addressing  
13 the prevailing wage claims. The parties are hopeful this case will resolve within the next three  
14 months.

15 4. In March 2004, the Court issued a Status Order establishing the following dates:

- 16 a. Discovery to close March 15, 2005;
- 17 b. All dispositive motions to be filed by April 20, 2005;
- 18 c. Dispositive hearings scheduled for May 18, 2005;
- 19 d. The final pre-trial conference set for July 1, 2005; and
- 20 e. The trial scheduled to begin August 15, 2005.

21 5. On March 3, 2005, this Court extended the preceding dates and set the following  
22 schedule:

- 23 a. Discovery to close June 13, 2005;
- 24 c. All dispositive motions to be filed by July 27, 2005;
- 25 c. Dispositive hearings scheduled for August 24, 2005;
- d. The final pre-trial conference set for September 30, 2005; and
- e. The trial scheduled to begin November 14, 2005.

1           6.       On June 15, 2005, this Court extended the preceding dates and set the following  
2 schedule:

3                   a.       Discovery to close September 12, 2005;

4                   d.       All dispositive motions to be filed by November 9, 2005;

5                   c.       Dispositive hearings scheduled for December 7, 2005 at 10:00 a.m.;

6                   d.       The final pre-trial conference set for January 25, 2006, commencing at  
7 4:00 p.m.; and

8                   e.       The trial scheduled to begin March 6, 2006.

9           7.       The parties hereby stipulate to and request that the Court grant an additional  
10 ninety (90) day extension for the parties to complete necessary discovery and to file any  
11 dispositive motions.

12           8.       The parties further stipulate to and request that the Court continue the scheduled  
13 dispositive motion hearing, final pre-trial conference, and trial date by ninety (90) days to  
14 accommodate the revised discovery and dispositive motion schedule.

15 DATED: \_\_\_\_\_

DATED: \_\_\_\_\_

16 THIERMAN LAW FIRM

JACKSON LEWIS LLP

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18 \_\_\_\_\_  
19 Mark R. Thierman  
Attorney for Plaintiff

\_\_\_\_\_  
Scott Osborne  
Attorney for Defendant

**ORDER**

IT IS HEREBY ORDERED as follows:

1. The pending September 12, 2005 deadline to complete discovery and the November 9, 2005 deadline to file dispositive motions are hereby extended for ninety (90) days. Discovery must be complete by December 8, 2005 and any dispositive motion must be filed by February 1, 2006.

2. To accommodate the revised discovery and dispositive motion deadlines, the hearing on any dispositive motion shall be extended to March 1, 2006 at 10:00 A.M., the final pre-trial conference shall be extended to April 26, 2006 at 4:00 P.M., and trial date shall be extended to June 5, 2006 at 9:00 A.M..

DATED: 09/28/2005

/s/ David F. Levi, U.S. District Judge  
HONORABLE DAVID LEVI

Respectfully submitted by:

THIERMAN LAW FIRM

By: \_\_\_\_\_

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